

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company
for Authority to Increase Revenue Requirement
to Recover the Costs to Deploy an Advanced
Metering Infrastructure. (U 39 M)

Application 05-06-028
(Filed June 16, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING THE JUNE 16, 2005
PACIFIC GAS AND ELECTRIC COMPANY
MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL**

On June 16, 2005, Pacific Gas and Electric Company (PG&E) filed an application for authority to recover deployment costs for its Advanced Metering Infrastructure project and a motion for leave to file certain materials under seal. Specifically, PG&E seeks protection of certain information contained in Exhibit PG&E-1, Chapter 2 and Exhibit PG&E-2, Chapters 1-4 of its prepared testimony. PG&E requests that the materials it seeks to protect be accorded confidential treatment pursuant to Pub. Util. Code § 583. PG&E argues that protection of the materials is necessary to ensure that potential vendors for Advanced Metering Infrastructure not be privy to the utility's cost expectations of the technology or their technology choices. After reviewing the redacted materials in the June 16, 2005 filing, I find that the material for which leave to file under seal is sought is currently appropriate for protection.

At the July 14, 2005 prehearing conference, I discussed the continuing need for protection of the materials that have been designated as confidential by prior rulings and in anticipation of this ruling. In addition, I instructed PG&E to work

diligently to develop an appropriate protective order to allow the most parties access to the redacted material, without compromising ongoing negotiations with potential suppliers. Although I agree that at this point in time, the information that PG&E has sought protection for should remain confidential, I am concerned about how we will ensure that there is sufficient public information to decide this matter and I will engage in discussions with the parties as we get closer to evidentiary hearings about whether there is a continuing need for protection of these materials.

I grant the request by PG&E to file the requested materials in its June 16, 2005 testimony under seal. PG&E shall make the protected material available under a mutually agreeable protective order to any party in the proceeding but may withhold the protected materials from vendors that might supply the products and services under consideration in the Advanced Metering Infrastructure Project. PG&E shall take steps to develop an appropriate protective order that maximizes access to the protected material without compromising ongoing vendor negotiations.

Good cause appearing, **IT IS RULED** that:

1. Pacific Gas and Electric Company's (PG&E) request for certain material to be filed under seal on June 16, 2005 is granted to the extent set forth herein.
2. The confidential information, described above, is proprietary and competitively sensitive information. Public disclosure of this confidential information would jeopardize the ability of the utilities to obtain the lowest costs for products and services that are the subject of the Advanced Metering Infrastructure proceeding and thereby adversely affect ratepayers.
3. The confidential information will remain under seal for a period of two years from the date of this ruling. During this period, the information shall not

be made accessible or disclosed to anyone other than (a) Commission staff; (b) other parties to this proceeding who have executed a reasonable nondisclosure agreement; or (c) upon the further order ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then-designated as Law and Motion Judge.

4. PG&E may withhold the designated confidential information from potential suppliers for the products and services at issue in the Advanced Metering Infrastructure project. PG&E shall take steps to develop an appropriate protective order that maximizes access to the protected material without compromising ongoing vendor negotiations. To the extent that a party disputes its designation as a potential supplier, the party and the utility may bring that dispute to the attention of the assigned ALJ for resolution.

5. If PG&E believes that further protection of this information is needed after two years, one or more of them may file a motion stating the justification for further withholding the information from public inspection, or for such other relief as the Commission rules may then provide. This motion must be filed no later than 30 days before the expiration of this protective order.

Dated August 1, 2005, at San Francisco, California.

/s/ MICHELLE COOKE

Michelle Cooke
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by electronic mail to those who provided electronic mail addresses, and by U.S. mail to those who did not provide e-mail addresses, this day served a true copy of the original attached Administrative Law Judge's Ruling Granting the June 16, 2005 Pacific Gas and Electric Company Motion for Leave to File Documents Under Seal on all parties of record in this proceeding or their attorneys of record.

Dated August 1, 2005, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.